

1 Dane W. Anderson, Esq.
2 Nevada Bar No. 6883
WOODBURN AND WEDGE
3 6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775-688-3000
4 Facsimile: 775-688-3088
danderson@woodburnandwedge.com
5 jtafoya@woodburnandwedge.com

6 *Attorneys for Defendant*

7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

10 JOHN ILIESCU, JR., AND SONNIA
11 ILIESCU, Trustees of The John Iliescu, Jr.
and Sonnia Iliescu 1992 Family Trust
12 Agreement dated January 24, 1992,

Case No.: 3:21-cv-00387-ART-CLB

13 Plaintiffs,

14 v.

15 THE REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY, a
16 special unit of the government; and DOES I
through X, inclusive,

17 **RTC'S OBJECTIONS TO ILIESCUS'
PRETRIAL DISCLOSURES PURSUANT
TO FRCP 26(a)(3)**

18 Defendants.

19 Pursuant to Fed. R. Civ. P. 26(a)(3), RTC objects to Iliescus' Pretrial Disclosures filed
20 on July 10, 2023 as follows:

21 **I. GENERAL OBJECTION**

22 On June 13, 2023, this Court entered its Order Granting Defendant's Motion For
23 Summary Judgment [Document 52], granting RTC summary judgment on Iliescus' first and
24 second claims relating to the elimination of a driveway between Iliescus' property and South
25 Virginia Street. Iliescus' remaining claims all involve their assertion that RTC wrongfully
26 constructed a drain on their property and have nothing to do with the elimination of the
27 driveway access. However, based on Iliescu's Pretrial Disclosures, it appears as if they intend
28 to offer witnesses and evidence related to the driveway issue despite the fact that those claims

1 have already been resolved in RTC's favor. RTC objects to those witnesses and documents as
 2 irrelevant and on the basis that any probative value is outweighed by the danger of unfair
 3 prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly
 4 presenting cumulative evidence. RTC incorporates these objections as to all witnesses listed
 5 below and as to documents listed below with the objection "Relevance, Probative Value
 6 Outweighed." Additional objections particular to each are also set forth below.

7 II. WITNESSES

8 RTC objects to the following witnesses:

- 9 (1) Anthony Wren: Hearsay, foundation
- 10 (2) Steve N. Bell: Hearsay, foundation
- 11 (3) Mayor Hillary Schieve: Hearsay, foundation
- 12 (4) Pamela Samms: Hearsay, foundation
- 13 (5) PMK, Paragon Engineering: Hearsay, foundation

14 III. DOCUMENTS

15 DESCRIPTION	BATES LABEL DESIGNATIONS	OBJECTION
16 Appraisal of APN 014-063-07, Dated March 17 23, 2020, Prepared by Anthony J. Wren, MAI, 18 SRA and Mr. Wren's CV	ILIESCU0000001- ILLIESCU000114	Relevance, Probative Value Outweighed, Hearsay
19 Appraisal of APN 014-063-11, Dated March 20 23, 2020, Prepared by Anthony J. Wren, MAI, SRA and Mr. Wren's CV	ILLIESCU000115- ILLIESCU000212	Relevance, Probative Value Outweighed, Hearsay
21 Appraisal of APN 014-063-07, Dated October 22 19, 2020, Prepared by Anthony J. Wren, MAI, SRA and Mr. Wren's CV	ILIESCU000213- ILIESCU000332	Relevance, Probative Value Outweighed, Hearsay
23 Appraisal of APN 014-063-11, Dated October 24 19, 2020, Prepared by Anthony J. Wren, MAI, SRA and Mr. Wren's CV	ILIESCU000333- ILIESCU000437	Relevance, Probative Value Outweighed, Hearsay
26 Assessor's Map Number 014-06, Created by TWT 10/14/203	ILIESCU000438	Relevance, Probative Value Outweighed, Hearsay
28 ///		

1	Access Aerial View	ILIESCU000439	Relevance, Probative Value Outweighed
2	Photos of Subject Property	ILIESCU000440- ILIESCU000447	Relevance, Probative Value Outweighed
3	Photos, Standing Water at Drain	ILIESCU000448- ILIESCU000449	
4	Johnson Group Broker Price Option for 999 S. Virginia Street and 961 S. Virginia Street, Prepared by Richard K. Johnson, Broker/Owner, on June 15, 2019, and Mr. Johnson's CV	ILIESCU000450- ILIESCU000469	Relevance, Probative Value Outweighed, Hearsay
5	A Review of an Appraisal Prepared by Scott Q. Griffin, MAI, with a Date-of-Value as of October 31, 2018, for a Permanent Easement and Two Temporary Construction Easements, Located at 961 & 999 South Virginia Street, Reno, Washoe County, Nevada, APN 014- 063-07 & 11, Prepared by William G. Kimmel, Certified General Appraiser, and Mr. Kimmel's CV	ILIESCU000470- ILIESCU000480	Relevance, Probative Value Outweighed
6	Interlocal Cooperative Agreement Approving RTC Program of Projects, Dated May 24, 2016	ILIESCU000481- ILIESCU000488	
7	An Appraisal of a Permanent Easement and Two Temporary Construction Easements, Located at 961 & 999 South Virginia Street, Reno, Nevada (Washoe County A.P.N.'s 014- 063-07 &11), Prepared for Woodburn and Wedge, Re: Virginia Street Bus Rapid Transit Extension Project, RTC Project No. 211003, as of April 8, 2019	ILIESCU000489- ILIESCU000621	Relevance, Probative Value Outweighed
8	Proposed Permanent Easement Legal Description, APN: 014-063-11 and 014-063- 07	ILIESCU000622- ILIESCU000629	Relevance, Probative Value Outweighed
9	RTC Resolution of Condemnation, Approved February 15, 2019	ILIESCU000630- ILIESCU000643	
10	RTC Notice of Public Meeting – RTC Board Meeting, Dated January 22, 2019	ILIESCU000644	
11	Demonstrative Photo of Subject Property (View from Across Virginia St.)	ILIESCU000645	Relevance, Probative Value Outweighed
12	Demonstrative Photo of Subject Property, View from Top of Roundabout on Virginia St.	ILIESCU000646	Relevance, Probative Value Outweighed
13	Photo of Subject Property (Prior to Construction)	ILIESCU000647	Relevance, Probative Value Outweighed

1	Photo of Subject Property (Alleyway Access)	ILIESCU000648	Relevance, Probative Value Outweighed
2	Photo of Subject Property (Alleyway Access, Aerial View)	ILIESCU000649	Relevance, Probative Value Outweighed
3	Photo of Subject Property (Aerial View)	ILIESCU000650	Relevance, Probative Value Outweighed
4	Photo of Subject Property (Pre-Construction)	ILIESCU000651	Relevance, Probative Value Outweighed
5	Photo of Subject Property (Bus in Roundabout)	ILIESCU000652	Relevance, Probative Value Outweighed
6	Photo of Subject Property (Drain)	ILIESCU000653	
7	Photo of Subject Property (Original Driveway)	ILIESCU000654	Relevance, Probative Value Outweighed
8	Photo of Subject Property (Original Street Ingress-Egress)	ILIESCU000655	Relevance, Probative Value Outweighed
9	Photo of Subject Property (Post-Construction)	ILIESCU000656	Relevance, Probative Value Outweighed
10	Photo of Subject Property (Post-Construction Alleyway View)	ILIESCU000657	Relevance, Probative Value Outweighed
11	Photo of Subject Property (Post-Construction Virginia Street View)	ILIESCU000658	Relevance, Probative Value Outweighed
12	Photo of Subject Property (Post-Construction Depressed Area)	ILIESCU000659	Relevance, Probative Value Outweighed
13	Photo of Subject Property (Virginia Street Median)	ILIESCU000660	Relevance, Probative Value Outweighed
14	Photo of Wells Avenue Roundabout (Aerial View)	ILIESCU000661	Relevance, Probative Value Outweighed
15	Photo of Wells Avenue Roundabout (Aerial View)	ILIESCU000662	Relevance, Probative Value Outweighed
16	Photo of Wells Avenue Roundabout (Street View, Ingress/Egress Driveway)	ILIESCU000663	Relevance, Probative Value Outweighed
17	Photo of Wells Avenue Roundabout (Aerial View, Private Access)	ILIESCU000664	Relevance, Probative Value

		Outweighed	
1	Photo of Wells Avenue Roundabout (Aerial View, Private Access, Limited Parking)	ILIESCU000665	Relevance, Probative Value Outweighed
2	955 S. Virginia Street Sales Information	ILIESCU000666	Relevance, Probative Value Outweighed; Hearsay
3	Email Dated October 30, 2018 from Sonnia Iliescu to Sarah Fye, MBA, Appraiser Interim, Johnson Perkins Griffin, LLC, Re: 961 & 999 South Virginia Street	ILIESCU000667- ILIESCU000668	Relevance, Probative Value Outweighed
4	Letter Dated December 4, 2018 to John Jr. & Sonnia Iliescu Family Trust from Pamela Samms, Paragon Partners, Ltd., Re: Letter Presenting Written Offer, Virginia Street BRT Extension Project	ILIESCU000669	Relevance, Probative Value Outweighed
5	Email Dated January 16, 2019 to Sonnia Iliescu from Lee Pemberton, Paragon Partners, Ltd., Re: Virginia Street Bus Rapid Transit Project	ILIESCU000670	Relevance, Probative Value Outweighed
6	Email, n.d., to Pamela Samms from Lee Pemberton, Paragon Partners, Ltd., Re: Virginia Street BRT Extension Project	ILIESCU000671- ILIESCU000672	Relevance, Probative Value Outweighed
7	Letter Dated September 24, 202 to Dr. John Iliescu, Jr., and Sonnia Iliescu from Agenisz Samadhi, Nevada Title & Payday Loans Service, Inc., Re: 961 South Virginia Street	ILIESCU000673	Relevance, Probative Value Outweighed, Hearsay
8	Letter Dated January 28, 2021 to Dr. John Iliescu, Jr., and Sonnia Iliescu from Agenisz Samadhi, Nevada Title & Payday Loans Service, Inc., Re: 961 South Virginia Street	ILIESCU000674	Relevance, Probative Value Outweighed, Hearsay
9	Letter Dated December 13, 2021 to Dr. John Iliescu, Jr., and Sonnia Iliescu from Natalie Hill, Nevada Title & Payday Loans Service, Inc., Re: Non-Renewal Notice, for Property Located at 961 South Virginia Street	ILIESCU000675	Relevance, Probative Value Outweighed, Hearsay
10	Letter Dated December 30, 2021 to Natalie Hill, Nevada Title & Payday Loans Service, Inc., Re: Final Termination of Lease – 961 S. Virginia Street	ILIESCU000676	Relevance, Probative Value Outweighed, Hearsay
11	Lease Extension Dated January 21, 2022, Between John Iliescu, Jr. and Sonnia Iliescu, and Nevada Title & Payday Loans Service, Inc., Re: 961 South Virginia Street	ILIESCU000677- ILIESCU 000678	Relevance, Probative Value Outweighed, Hearsay
12	Letter Dated July 2, 2018 to John, Jr. and Sonnia Iliescu Family Trust from RTC, Re: Notice to Owner, Virginia Street BRT Extension Project	ILIESCU000679	Relevance, Probative Value Outweighed

1	Letter Dated January 22, 2019 to John, Jr. and Sonnia Iliescu Family Trust from RTC, Re: <u>Notice Letter Pursuant to NRS 241.034</u>	ILIESCU000680	
2	Interlocal Cooperative Agreement Approving RTC Program of Projects, Dated May 24, 2016	ILIESCU000681- 000688	
3	Offering Memorandum, Re: 1064 S. Virginia, Dated December 17, 2020	ILIESCU000689- ILIESCU000693	Relevance, Probative Value Outweighed
4	Lease Between John Iliescu, Jr., and Sonnia Iliescu, Trustees of the Iliescu Family Trust, Trustees of the Iliescu Family Trust and Cash Loans of America, Inc., dba Nevada Title Loan, Dated December 1, 1995	ILIESCU000740- ILIESCU000757	Relevance, Probative Value Outweighed, Hearsay
5	Email from Dane Anderson, Esq. to Dr. Iliescu and Sonnia Iliescu, Dated June 11, 2019	ILIESCU000758	Relevance, Probative Value Outweighed
6	Site Survey of 969 S. Virginia Street, APN 14-063-07, Dated July 26, 2022, Prepared by Steven N. Bell, Bell Land Surveying	ILIESCU000759	Relevance, Probative Value Outweighed, Hearsay
7	Photo of Subject Property (Alleyway Access and Roundabout Exit Traffic, Aerial View)	ILIESCU000760	Relevance, Probative Value Outweighed
8	Survey narrative, Project: 999 South Virginia Street, Reno, NV, APN 14 – 063 – 07, 6,451 Square Feet, Assessed Owner: The John and Sonnia Iliescu 1992 Family Trust, Bell Land Surveying, Dated November 16, 2022	ILIESCU000761	Relevance, Probative Value Outweighed, Hearsay
9	Steve N. Bell, PLS Resume	ILIESCU000762	Relevance, Probative Value Outweighed

DATED: July 17, 2023

WOODBURN AND WEDGE

By /s/ Dane W. Anderson
Dane W. Anderson, Esq.
Nevada Bar No. 6883
Attorneys for Plaintiff
The Regional Transportation
Commission of Washoe County

CERTIFICATE OF SERVICE

I certify that I am an employee of WOODBURN AND WEDGE and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the document titled **RTC'S OBJECTIONS TO ILIESCUS' PRETRIAL DISCLOSURES PURSUANT TO FRCP 26(a)(3)** on the parties set forth below via email to:

Donald Lattin, Esq.
Carolyn Renner, Esq.
MAUPIN, COX & LEGOVY
4785 Caughlin Parkway
Reno, Nevada 89519
dlattin@mcllawfirm.com
crenner@mcllawfirm.com

Attorneys for Plaintiffs

DATED: July 17, 2023.

/s/ Jennifer Heston
Employee of Woodburn and Wedge